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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES DOUGLAS COX,

Defendant and Appellant.

B206560

(Los Angeles County  
Super. Ct. No. TA086229)

APPEAL from a judgment of the Superior court of Los Angeles County,  
Gary R. Hahn, Judge. Affirmed.

Charles B. Holzhauer, under appointment by the Court of Appeal, for Defendant  
and Appellant.

No appearance for Plaintiff and Respondent.

James Douglas Cox appeals from the judgment entered following a jury trial in which he was convicted of willful, deliberate and premeditated attempted murder (Pen. Code, §§ 664/187, subd. (a)) with the further findings that he personally and intentionally discharged a firearm, a handgun, proximately causing great bodily injury within the meaning of Penal Code section 12022.53, subdivision (d), that he personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53, subdivision (c), that he personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53, subdivision (b), that a principal personally and intentionally discharged a firearm, a handgun, which caused great bodily injury, within the meaning of Penal Code section 12022.53, subdivision (d) and (e)(1), that a principal personally and intentionally discharged a handgun, within the meaning of Penal Code section 12022.53, subdivision (c) and (e)(1) and that a principal personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53, subdivision (b) and (e). The jury also found that the crime was committed for the benefit of, at the direction of, and/or in association with a criminal street gang with the specific intent to promote, further, or assist in criminal conduct by gang members pursuant to Penal Code section 186.22, subdivision (b)(1). He was sentenced to prison for life with the possibility of parole, plus an additional and consecutive term of imprisonment for 25 years to life for the firearm enhancement pursuant to Penal Code section 12022.53, subdivision (d).

The evidence at trial established that during the morning of May 27, 2006, Carlee Kia Jackson, a member of Tree Top Piru gang, left his home to buy cigarettes from a nearby liquor store. At the store, Jackson saw codefendant Harold Carey, also known as “Booty,” a member of Fruit Town Piru, a rival gang. Carey said, “What’s the Fruits like,” or “What the Fruits like?” Jackson understood the statement as a gang threat and responded, “Well, so what?”

After paying for cigarettes and chips, Jackson began walking home and saw Carey and two other Fruit Town members sitting in a car. Jackson was close enough to touch the car and saw appellant, who was also known as “Cheeks,” sitting in the front

passenger seat, codefendant Flores in the driver's seat, and Carey seated behind the front passenger seat. Appellant opened the door, stepped out of the vehicle, put the hood of his black sweatshirt over his head, and with his right hand, reached into his waistband. Jackson kicked off his slippers and ran. Jackson heard appellant say, "Fuck Tank Tops," and then heard five to seven gunshots. Jackson thought he felt something but was not sure and ran into a barbershop. He asked a woman in the shop to call 911 and realized he was bleeding from his buttocks and hip. Jackson was taken to the hospital where he had surgery and screws placed in his hip. He remained at the hospital for approximately four days.

At the time of sentencing, appellant's *Marsden*<sup>1</sup> and *Faretta*<sup>2</sup> motions were denied.

After review of the record, appellant's court-appointed counsel filed an opening brief requesting this court to independently review the record pursuant to the holding of *People v. Wende* (1979) 25 Cal.3d 436, 441.

On October 29, 2008, we advised appellant that he had 30 days within which to personally submit any contentions or issues which he wished us to consider. No response has been received to date.

Briefing was stayed, as it appeared that the record in the above-entitled matter was incomplete.

However, on March 10, 2009, it was confirmed that the record was complete and the matter was submitted as of that date.

We have examined the entire record and are satisfied that no arguable issues exist and that appellant has, by virtue of counsel's compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 112-113.)

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<sup>1</sup> *People v. Marsden* (1970) 2 Cal.3d 118.

<sup>2</sup> *Faretta v. California* (1975) 422 U.S. 806.

**DISPOSITION**

The judgment is affirmed.

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MANELLA, J.

We concur:

WILLHITE, Acting P. J.

SUZUKAWA, J.